IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION No. 15614 of 2004

Between:

1 G.Pedda Pullaiah, s/o Devenna,
2 K.Krishna Murthy, s/o Bichaiah,
3 B.Nagayya, s/o Lakshmayya,
4 Smt.Ch.Naramma, w/o Nagireddy,
5 K.Venkataramayya, s/o Bichaiah,
6 Smt.G.Lakshmamma, w/o late Raghavendra Rao,
7 S.D.Hanumantu, s/o Lakshmiram,
8 G.Kantayya, s/o late Raghavendra Rao,
9 Smt.Ch.Sivanagamma, w/o late Venkataswamy,
10 B.Chinna Narsireddy, s/o Bangarureddy,
11 Smt.B.Chandravatamma, w/o late Hanumantureddy,
12 Smt.B.Veeramma, w/o B.Venkatarami Reddy,
13 Smt.B.Lakshmi Devi, w/o late B.C.Narsi Reddy,
(All are residents of Yerraguduru Village,
Pamulapadu Mandal, Kurnool District). ..... PETITIONERS

AND

1 State Government of A.P., rep., by its Secretary, Irrigation &
Command Area Development, Secretariat, Hyderabad.
2 The Special Deputy Collector-cum-Land Acquisition Officer, Srisailam
Right Bank Canal, Nandyal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to

issue a Writ of Mandamus or any other appropriate writ, order or direction declaring that the inaction of the respondents in not passing appropriate orders on the representations made by the petitioners herein on 30-6-1999 for re-determination of the compensation under Section 28-A of the Land Acquisition Act in pursuance of the judgments passed by this Court in Appeal Nos.1396 of 1999 and batch and Appeal No.1398 of 1999 and batch, as arbitrary, illegal and against the principles of natural justice and consequently direct the respondents to pass orders based on the above mentioned judgments.

Counsel for the Petitioner : Mr.K.MALLIKARJUNA RAO (Not present)

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following :

ORDER:

None appears for the petitioners. Heard the learned Government Pleader for Land Acquisition and perused the record.

Assailing the action of the respondents in not passing orders on the representation of the petitioners dated 30.6.1999 for re-determination of the compensation under Section 28-A of the Land Acquisition Act, the present writ petition is filed.

The petitioners' lands were acquired by the respondents along with other lands for excavation of Srisailam Right Bank Canal by issuing Section 4(1) notification under the Land Acquisition Act and awards were passed fixing the market value as Rs.4,290/- per acre. Aggrieved by the same, some of the claimants seek reference of the Civil Court under Section 18 of the Land Acquisition Act and the learned Senior Civil Judge, Atmakuru considered the request of the claimants and enhanced the compensation from Rs.4,290/- per acre to Rs.20,000/- per acre. On coming to know about the said enhancement, since the petitioners did not seek reference under Section 18 of the Act, they applied for certified copy of the judgment on 18.2.1999 which was made available on 12.4.1999 and accordingly, petitioners made joint representation dated 30.6.1999 to the respondents under Section 28-A of the Act for re-determination of the compensation. Since the same is not disposed of, the present writ petiton is filed contending that the Award passed by the Reference Court was also affirmed by this Court in A.S.No.1400 of 1999 and batch dated 6.3.2003 and the Special Leave Petitions against the same were also dismissed by the Supreme Court.

Having regard to the fact that the appeals against O.P.No.253 of 1989 and batch, on the basis of which the petitioner sought re-determination, was dismissed by this Court on 6.3.2003 along with other batch of appeals and the SLP against the same was also dismissed by the Supreme Court, the respondents are under obligation to consider the application of the petitioners filed under Section 28-A of the Land Acquisition for re-determination of the compensation.

In the circumstances, the writ petition is disposed of directing the respondents to re-determine the compensation on the application filed by the petitioners under Section 28-A of the Land Acquisition Act dated 30.6.1999 within a period of four months from the date of receipt of a copy of this order. On such re-determination, the differential compensation shall be paid to the petitioners. No order as to costs.

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A.GOPAL REDDY, J

Date: 9.11.2004

DA

To

1 The Secretary, Government of A.P., Irrigation & Command

Area Development Department, Secretariat, Hyderabad.
2 The Special Deputy Collector-cum-Land Acquisition Officer, Srisailam
Right Bank Canal, Nandyal, Kurnool District.

3 Two CCs to the G.P. for Land Acquisition, High Court Buildings,
Hyderabad (OUT).

4 Two spare copies.